

## **ADMISSIBILITY OF POLYGRAPH EXAMINATION RESULTS AS EVIDENCE**

This paper will examine whether there should be a federal mandate regarding the admission of polygraph results as evidence in court. The desire to research this topic came about during the Senate Hearings for Brett Kavanaugh. During the hearings over his sexual assault allegations, the senate committee asked Dr. Christine Blasey Ford to undergo a polygraph examination while being questioned about the alleged assault. After Dr. Ford complied with the Senate Committee's request it seemed that the polygraph results had no impact on the hearing. That raised the question of the validity of polygraphs and why the senate committee requested it yet weighted it as a non-factor. A much similar situation arose back in 1991 With Justice Clarence Thomas and Anita Hill where the Senate Committee did not consider a polygraph they had requested. There seemed to be a lot of speculation surrounding polygraph examinations and an interesting area of research within the law.

This research will find, despite the tradition of polygraphs and other forms of lie detection habitually not being admissible as evidence, their admissibility and the reasons behind admissibility vary among jurisdictions with in the United States. The hostility toward admission of polygraph results as evidence stems from the debate over their overall acceptance within the scientific community along with misunderstandings about its science due to its layman term "lie detector". Although there has been extensive research on the effectiveness of polygraph examinations there seemed to be a gap in legal research regarding federal admissibility along with recommendations on what the admissibility status of polygraph examinations results should be. This gap led to the research and conclusions of the paper. The research for this paper was conducted by analyzing data and studies on the efficacy and validity of polygraph test results along with case law, their opinions and the application of the Federal Rules of Evidence pertaining to polygraph test results admissibility as evidence in the United States.

This paper will start with an introduction of what a polygraph is, along with some brief history on the device. It will then report the results of the research conducted on the legitimacy of polygraph examinations to detect deception in subjects. The following section of this paper will address the historical and current state of admissibility for polygraph tests through applicable case law and the resulting rules and standards established from the decision in these cases along with their relation to the Federal Rules of Evidence. Arguments for and against the admission of polygraphs will then be analyzed by examining case law on both sides of the debate and establishing categorical rational for each argument. The paper will conclude with a recommended Federal Rule of Evidence barring the admission of polygraph examination results as evidence in any criminal proceeding. This new Federal Rule of Evidence is adopted from California Rule of Evidence §351.1 with some slight redactions. This recommended Federal Rule of Evidence was arrived at by scientific research that examined the reliability, validity and efficacy of polygraphs that concluded, polygraphs have no predictive value to determine deception.